



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,951	03/26/2004	R. Martin Oliveras		7794
48941	7590	01/28/2008		
R. MARTIN OLIVERAS 18 BROOKLAKE ROAD FLORHAM PARK, NJ 07932				
			EXAMINER RENDON, CHRISTIAN E	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 01/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/809,951	Applicant(s) OLIVERAS, R. MARTIN	
	Examiner Christian E. Rendón	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION
Response to Amendment

This office action is in response to the amendment filed 12/17/07 in which applicant has provided an affidavit and responded to the claim rejections. Claims 1-64 are pending. Furthermore the affidavit filed on 12/17/07 under 37 CFR 1.131 has been considered but is ineffective to overcome the Sines reference. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Sines reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G.1417 (D.C. Cir. 1897). In other words, the affidavit provides no evidence towards due diligence or conception of the idea prior the reference's effective filing date, Sines: December 5, 2000.

Claim Rejections - 35 USC § 103

Claims 1-2, 4, 6, 8, 14-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baba et al. (US 6,406,371 B1) in view of Sines et al. (US 7,255,642 B2).

1. Baba discloses a system that allows a group of players to each control a gaming device or a main console to compete with one another in a virtual game from over a network (Baba: col. 1, lines 60-65). The game server or central processing unit consists of a router, WWW server, a database (DB) server (Baba: fig. 1, 33) and a backend (BE) server (Baba: fig. 1, 34). The BE server executes a program for carrying out the match on the basis of the team data and stores the results of the competition in the match result files on DB server (Baba: col. 6, lines 29-32). The DB server also contains team/player information like control files, meet files, team registration files and match result files (Baba: col. 6, lines 10-12). A user's login, account and number of points won are stored in the control files; meet files contain tournament number, tournament name, number of participating registrants, maximum number of participants, entry start time, entry end time, start time for posting results, end time for posting results, results display information, registration condition flags and registration account information (Baba: col. 6, lines 12-20). A user's login ID, flags, team data, tournament number, match result codes, final rank and home site name are stored in the team registration files; the tournament number, match code, user login ID of the winning team, user login ID of the losing team, match result data, match codes for previous match results of the

winning team, match codes for previous match results of the losing team are stored in the match result files (Baba: col. 6, lines 21-29). Even though the system is described to support a generic game, the only applied example given by Baba is a game of baseball. However, Sines discloses a system for playing a live table game played at a casino (Sines: col. 1, lines 20-23) like poker (Sines: col. 8, line 50).

2. The system contains several gaming displays or terminals built into a casino table and aligned upward to facilitate easy viewing by the other players (Sines: col. 10, lines 45-48). The system is designed to allow casinos to speed play and reduce the risk of cheating (Sines: abstract). The casino confirms a player's outcome through the use of cameras positioned above or near the table (Sines: col. 17, lines 24-25). The player's hand is recorded into a data structure (Sines: col. 33, line 51), as well as a player position (Sines: col. 39, lines 49-50), initial seed value, the current house rules (Sines: col. 41, line 39) and the game history (Sines: col. 42, line 6). Therefore through the use of the system's electronic equipment like the player tracking devices and terminals, one of ordinary skill would combine this system with the disclosed invention of Baba to help facilitate an audience watched, fast paced poker tournament amongst several gaming tables filled with several players at a casino or against several casinos.

3. Regarding claims 2, 4, 6 and 8, the art disclosed by Baba matches one person-one team or one team per one gaming device to another team (Baba: col. 1, lines 61-64) for a match of a tournament (Baba: col. 10, lines 2-3). Therefore the combination of Baba with Sines creates a system that would assign each player to a poker table. Furthermore, a player's assignment history to poker tables is tracked in the team's match result file (Baba: col. 6, lines 21-29) as match result data.

4. Regarding claim 14, Baba discloses using a DB server or a central processing unit for storing all of the game data and a BE server or secondary central processing unit in communication with the DB server (Baba: col. 6, lines 29-32).

5. Regarding claims 15-19 and 27-28, the gaming terminals or main/dealer console each contain a display (Sines: fig. 2, 103) and a means for clearing the screen (Sines: col. 19, lines 32-33). Furthermore the console is able to print information on to a screen or memory.

6. Regarding claims 20-21, the system disclosed by Sines contains a card reader that is used to retrieve a player's information through swiping means (Sines: col. 15, lines 39-44).
7. Regarding claims 22-23, the game table disclosed by Sines contains a dealer console comprising a display (Sines: fig. 4, 102) and a simulated dealing shoe (Sines: fig. 2, 80).
8. Regarding claims 24-26 and 29, the dealer console is able to display selective information like various menu and programming options (Sines: col. 13, lines 26-27) that is accessible by authorized personnel only (Sines: col. 13, lines 5-8). However Sines fails to mention the game table having access to a central processing unit or a game server. The art combination of Baba and Sines creates a system that connects all of the game tables to a network. Therefore one of ordinary skill would use the network to program all the tables simultaneously saving time and preventing any possible unauthorized person from accessing the computer at the game table.
9. Regarding claim 30-33, Sines informs a person of ordinary skill that any additional information deemed necessary by the casino can also be displayed on the dealer display (Sines: col. 16, lines 62-63). Therefore displaying a dealer's log-in/out time, information, assigned table and betting order is trivial limitation that carries no patentable weight. Furthermore any information that is collected by the system can be displayed later if found necessary. When a player bets a chip the chip detection sensor will communicate with the chip's transponder (Sines: col. 11, lines 50-53). The inventor mentions fitting the system to provide other needs like detecting and preventing the use of counterfeit chips, as well as other data processing capabilities (Sines: col. 11, lines 62-67) like the recording of a betting order.
10. Regarding claim 34, the gaming terminals disclosed by Sines is viewed as the equivalent to the claimed main console and player console. Therefore the player terminals disclosed by Sines meet the limitations since there are several terminals to a table that can each display or print information to a screen (Sines: col. 10, lines 45-48). Furthermore, the examiner would like to point out that a terminal is expected at the gaming server side of the network system (Baba: fig. 1, 30) to fulfill the purpose of performing maintenance, coding or evaluation of the stored data by an administrator. In other words, the examiner feels the applicant could of tried to claim this

expected feature with a “main console” but failed to do so because of the misuse of broad claim language. Finally, correcting any of these claims to more specifically describe a maintenance terminal will not be considered patentable.

11. Regarding claims 35-41, the gaming terminals or main console each contain a display (Sines: fig. 2, 103) and a means for clearing the screen (Sines: col. 19, lines 32-33). Furthermore the console is able to print information on to a screen or memory.

12. Regarding claim 42, since each player terminal is viewable from each seat (Sines: col. 10, lines 45-48) a player will always know the betting order of the game by looking at each player’s chip detection zone (Sines: fig. 14, 120).

13. Regarding claims 43-44, the Examiner would like to point out that the language implies but does not claim that the player/dealer console is a bettor’s phone, PDA or any electronic device owned by the person that can run third party software. Therefore the language is viewed as a general item owned by the player that is removable from the table. Since having eleven removable computers per table totaling 99 computers (emphasis added) is costly endeavor for any establishment and a good engineer or one of ordinary skill would design a system that utilized a person’s personal electronics or a memory card as a cheap and effective solution. Baba has created a system that uses flash memory cards to save data and carries out a ‘simple game’ when provided a computer and display (Baba: col. 7, lines 10-19).

14. Regarding claim 45, all computers are removable from its support structure. In other words anyone can unplug and lift a computer from a table.

Claims 3, 5, 7, 9-13 and 46-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baba in view of Sines and in further view of Nakagawa (US 5,603,502).

15. The above description of the Baba and Sines reference combination and the limitations they pertain is considered within this art rejection as well. The nature of a tournament would require the rearranging of players (success or not) to compete with other player that he/she had not played in the previous tournament level.

Therefore it is obvious for a poker tournament system to move players from one to table to another. However, the

examiner will present a reference against this and other obvious limitations about the moving of players and trying to keep a certain number of players at each table.

16. Regarding claims 3, 5, 7, 49, 52, 55 and 58, Nakagawa developed a poker tournament method that divides a group of players into smaller groups (Nakagawa: fig. 1) for several simultaneous play of poker games at different poker tables (Nakagawa: abstract). The movement of players (Nakagawa: col. 6, line 1) becomes necessary as the number of players at each table diminishes due to the drop out (Nakagawa: col. 5, lines 65-67) in order to keep the number of players at each table a certain number and uniform (Nakagawa: col. 6, lines 2-3).

17. Regarding claims 9-12, Nakagawa discloses a tournament schedule of each current tournament level (Nakagawa: fig. 1). This method requires players to place a "blind bet" (Nakagawa: col. 5, lines 44-46) or ante before receiving any cards. Furthermore, the method would also institute a time period for betting and payoffs to prevent a game from dragging on since the goal of the method is to speed up a game of poker to make it more exciting (Nakagawa: col. 7, lines 12-13).

18. Regarding claims 13, 46 and 62-63, the art combination would keep track of the latest eliminated player and re-assigned player position of every player since all of the tournament data and results are recorded (Baba: col. 6, lines 10-20).

19. Regarding claims 47-48, 50-51, 53-54, 56-57 and 59-60, the limitation of choosing a poker table in a particular order solves no stated problem therefore is viewed as mere design choice.

20. Regarding claim 61, Baba matches one person-one team or one team per one gaming device to another team (Baba: col. 1, lines 61-64) for a match of a tournament (Baba: col. 10, lines 2-3). Therefore the combination of Baba with Sines creates a system that would assign each player to a poker table. Furthermore, a player's assignment history to poker tables is tracked in the team's match result file (Baba: col. 6, lines 21-29) as match result data.

21. Regarding claim 64, Nakagawa states "one or two players who are seated to the immediate left of the player dealer will be required to make a blind bet" (Nakagawa: col. 5, lines 43-46), therefore the system has blind bet schedule.

Response to Arguments

22. Applicant's arguments filed 12/17/07 have been fully considered but they are not persuasive. The applicant's argument towards the validity of the Sines reference's status as a prior art against the claim limitations are incorrect. Even though the Sines prior art was filed on Nov. 25, 2003 (102 E), the reference is a continuation of application 09/730,705 filed on Dec. 5, 2000 (102 E), published on Apr. 5, 2001 (102 B) and patented on Nov. 25, 2003 (102A). Anyone of these dates allows the Examiner to use Sines as a 102 A, B or E reference. Since the applicant has failed to explain why the rejection using the Baba reference is not a 'factual rejection,' the Examiner can only simply state that he disagrees for the reasons disclosed in the office action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian E. Rendón whose telephone number is 571-272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian E Rendón
Examiner
Art Unit 3714


XUAN M. THAI
SUPERVISORY PATENT EXAMINER